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EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

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12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/844,821

Applicant(s)

PARK, DOO SANG

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 August 2007 has been entered.
2. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al. (US 6,359,881 B1), hereinafter referred to as Gerszberg '881, in view of Gerszberg et al. (US 2001/0040621), hereinafter referred to as Gerszberg '621.

5. Regarding claim 1, Gerszberg '881 teaches an information display system, comprising:

a gateway system for converting protocols of an external network and a local network for information exchange between the external network and local network (Fig. 5, item 210, gateway, and col. 13, ll. 41-43);

a plurality of terminals connected to the local network wherein each of the plurality of terminals exchanges call setup information with the gateway system (Fig. 5, item 210 gateway and item 214 connection manager, and col. 13, ll. 41-50).

Gerszberg '881 teaches an information server for receiving and storing information transmitted from the external network or local network (fig. 4B item 183 info server/DBMS and col. 10, ll. 28-34) and the transmission of information to a plurality of terminals (Gerszberg '881, col. 11, ll. 59-61) and the displaying of the stored information on the display of the terminal when the terminal enters an on-hook status (Gerszberg '881, col. 11, ll. 65-66). Gerszberg '881 teaches the transmission of information to the terminal at any point in time, therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enable information to be transmitted to the videophone while the videophone is in an on-hook condition. This is taught in the art by Gerszberg '621, wherein Gerszberg teaches a very similar videophone wherein information, advertisements, is transmitted to a videophone when it is determined that the videophone is not in use (p. 5, para. 0042) and therefore the videophone is in an on-hook condition. One of ordinary skill in the art would have been motivated to utilize the transmission during an on-hook status wherein Gerszberg teaches that it would have been advantageous to push information to a terminal during low use times in the middle of the night or when the videophone is not in use at all (Gerszberg '621, p. 5, para. 0042). Gerszberg '881 and Gerszberg '621 both teach wherein the displayed information is at least one of an advertisement, a guide and a bulletin (Gerszberg '881, col. 11, ll. 58-62 and Gerszberg '621, p. 5, para. 0042).

6. Regarding claim 2, Gerszberg '881 and Gerszberg '621 teach the system wherein each of the plurality of terminals is one of a PC phone and an Internet phone using Internet protocols for data communication (Gerszberg '881, col. 6, ll. 47-50).

7. Regarding claim 3, Gerszberg '881 and Gerszberg '621 teach the system wherein each of the plurality of terminals includes a memory means for storing information transmitted from the information server (Gerszberg '881, col. 8, ll. 44-52) and a control means for controlling the storing of the transmitted information in the memory means such that the information stored in the memory means is displayed when the on-hook status is detected (Gerszberg '881, col. 11, ll. 65-66) and voice communication-related information is displayed when an off-hook status is detected (Gerszberg '881, col. 9, ll. 17-27).

8. Regarding claim 4, Gerszberg '881 and Gerszberg '621 teach the system wherein the control means determines a call status of the terminal (Gerszberg '881, col. 11, ll. 65-66).

9. Regarding claim 5, Gerszberg '881 and Gerszberg '621 teach the system wherein the call status is one of an on-hook status and an off-hook status (Gerszberg '881, col. 11, ll. 65-66, A phone is either in active use or not in active use.).

10. Regarding claim 6, Gerszberg '881 and Gerszberg '621 teach the system wherein each of the plurality of terminals includes a display means for displaying information stored in the memory means (Gerszberg '881, col. 9, ll. 17-21).

11. Regarding claim 7, Gerszberg '881 and Gerszberg '621 teach the system wherein the information server includes a memory means for storing information

transmitted from the external network (Gerszberg '881, col. 10, ll. 28-37) and a control means for determining the respective call status of each of the plurality of terminals (Gerszberg '621, pg. 5, paragraph 0042).

12. Regarding claim 8, Gerszberg '881 and Gerszberg '621 teach the system wherein the control means of the information server transmits the information stored in the memory means of the information server to each of the plurality of terminals during an on-hook status of each of the plurality of terminals (Gerszberg '621, pg. 5, para. 0042).

13. Regarding claim 9, Gerszberg '881 and Gerszberg '621 teach the system wherein the control means of the information server updates contents of the memory means of the information server when new information is received (Gerszberg '881, col. 12, ll. 12-17, delivery of emergency broadcasts.).

14. Regarding claim 10, Gerszberg '881 teaches an information display system, comprising:

a plurality of terminals connected to the local network (Fig. 5, item 210 gateway and item 214 connection manager, and col. 13, ll. 41-50).

Gerszberg '881 teaches an information system for converting protocols of an external network and the local network for information exchange between the external and local networks (Fig. 5, item 210, gateway, and col. 13, ll. 41-43) and an information server for storing various information transmitted from the external network or local network (fig. 4B item 183 info server/DBMS and col. 10, ll. 28-34) and the transmission of information to a plurality of terminals (Gerszberg '881, col. 11, ll. 59-61) and the

displaying of the stored information on the display of the terminal when the terminal enters an on-hook status (Gerszberg '881, col. 11, ll. 65-66). Gerszberg '881 teaches the transmission of information to the terminal at any point in time, therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enable information to be transmitted to the videophone while the videophone is in an on-hook condition. This is taught in the art by Gerszberg '621, wherein Gerszberg teaches a very similar videophone wherein information, advertisements, is transmitted to a videophone when it is determined that the videophone is not in use (p. 5, para. 0042) and therefore the videophone is in an on-hook condition. One of ordinary skill in the art would have been motivated to utilize the transmission during an on-hook status wherein Gerszberg teaches that it would have been advantageous to push information to a terminal during low use times in the middle of the night or when the videophone is not in use at all (Gerszberg '621, p. 5, para. 0042). Gerszberg '881 and Gerszberg '621 both teach wherein the displayed information is at least one of an advertisement, a guide and a bulletin (Gerszberg '881, col. 11, ll. 58-62 and Gerszberg '621, p. 5, para. 0042).

15. Regarding claim 11, Gerszberg '881 and Gerszberg '621 teach the system wherein each of the plurality of terminals is one of a PC phone and an Internet phone using Internet protocols (Gerszberg '881, col. 6, ll. 47-50).

16. Regarding claim 12, Gerszberg '881 and Gerszberg '621 teach the system wherein each of the plurality of terminals includes a memory means for storing information transmitted from the information system (Gerszberg '881, Fig. 3B, item 173)

and a control means for controlling the storing of the transmitted information in the memory means (Gerszberg '881, Fig. 3B, item 170) such that the information stored in the memory means is displayed when the on-hook status is detected (Gerszberg '881, col. 11, ll. 58-62) and voice communication- related information is displayed when an off-hook status is detected (col. 9, ll. 17-21).

17. Regarding claim 13, Gerszberg '881 and Gerszberg '621 teach the system wherein the control means of each of the plurality of terminals determines a call status of the terminal (Gerszberg '881, col. 11, ll. 65-66).

18. Regarding claim 14, Gerszberg '881 and Gerszberg '621 teach where in the call status is one of an on-hook status and an off-hook status (Gerszberg '881, col. 11, ll. 65-66, A phone is either in active use or not in active use.).

19. Regarding claim 15, Gerszberg '881 and Gerszberg '621 teach the system wherein each of the plurality of terminals includes a display means for displaying information stored in a memory means of the terminal (Gerszberg '881, col. 9, ll. 17-21).

20. Regarding claim 16, Gerszberg '881 and Gerszberg '621 teach the system wherein the information system includes a memory means for storing information transmitted from the external network (Gerszberg '881, col. 10, ll. 28-37) and a control means for determining a call status of each of the plurality of terminals (Gerszberg '621, pg. 5, paragraph 0042).

21. Regarding claim 17, Gerszberg '881 and Gerszberg '621 teach the system wherein the control means of the information system transmits information stored in the

memory means of the information system to each of the plurality of terminals during an on-hook status of each of the plurality of terminals (Gerszberg '621, pg. 5, para. 0042).

22. Regarding claim 18, Gerszberg '881 and Gerszberg '621 teach the system wherein the control means of the information system updates contents of the memory means of the information system when new information is received (Gerszberg '881, col. 12, ll. 12-17, delivery of emergency broadcasts.).

23. Regarding claim 19, Gerszberg '881 teaches an information display system, comprising:

storing information transmitted from an external network or a local network (fig. 4B item 183 info server/DBMS and col. 10, ll. 28-34).

Gerszberg '881 teaches an information system for converting protocols of an external network and the local network for information exchange between the external and local networks (Fig. 5, item 210, gateway, and col. 13, ll. 41-43) and an information server for storing various information transmitted from the external network or local network (fig. 4B item 183 info server/DBMS and col. 10, ll. 28-34) and the transmission of information to a plurality of terminals (Gerszberg '881, col. 11, ll. 59-61) and the displaying of the stored information on the display of the terminal when the terminal enters an on-hook status (Gerszberg '881, col. 11, ll. 65-66). Gerszberg '881 teaches the transmission of information to the terminal at any point in time, therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enable information to be transmitted to the videophone while the videophone is in an on-hook condition. This is taught in the art by Gerszberg '621,

wherein Gerszberg teaches a very similar videophone wherein information, advertisements, is transmitted to a videophone when it is determined that the videophone is not in use (p. 5, para. 0042) and therefore the videophone is in an on-hook condition. One of ordinary skill in the art would have been motivated to utilize the transmission during an on-hook status wherein Gerszberg teaches that it would have been advantageous to push information to a terminal during low use times in the middle of the night or when the videophone is not in use at all (Gerszberg '621, p. 5, para. 0042). Gerszberg '881 and Gerszberg '621 both teach wherein the displayed information is at least one of an advertisement, a guide and a bulletin (Gerszberg '881, col. 11, ll. 58-62 and Gerszberg '621, p. 5, para. 0042).

24. Regarding claim 20, Gerszberg '881 and Gerszberg '621 teach the method wherein the stored information is transmitted to each of the plurality of terminals based on a call status of a pre-selected one of the plurality of terminals (Gerszberg '881, col. 12, ll. 12-17, delivery of emergency broadcasts and news bulletins to certain users.).

25. Regarding claim 21, Gerszberg '881 and Gerszberg '621 teach the method wherein displaying the transmitted information comprises:

storing the received information at each of the plurality of terminals (Gerszberg '881, col. 8, ll. 44-52);

determining the call status of each of the plurality of terminals (Gerszberg '621, p. 5, para. 0042);

displaying the stored information on each of the plurality of terminals during an on-hook status (Gerszberg '881, col. 11, ll. 65-66).

26. Regarding claim 22, Gerszberg '881 and Gerszberg '621 teach the method further comprising:

ceasing the display of the stored information and displaying voice communication-related information on any of the plurality of terminals that assumes an off-hook status (Gerszberg '881, col. 9, ll. 17-27); and

re-displaying the stored information when the terminal again assumes an on-hook status (Gerszberg '881, col. 11, ll. 65-66).

Response to Arguments

27. Applicant's arguments filed 30 August 2007 have been fully considered but they are not persuasive.

28. Applicant argues with respect to independent claims 1, 10 and 19 that (A) Gerszberg '621 does not disclose or suggest "determining that the videophone is in an on-hook condition". Applicant argues further that (B) nowhere in Gerszberg '621 does it disclose or suggest a step of "determining a call status of each of a plurality of terminals based on call status information included in call setup information before transmitting stored information to each of the plurality of terminals during an on-hook status". Finally, applicant argues further that (C) it is unclear as to whether advertisements are downloaded during an on-hook status in Gerszberg '621.

29. In response to (A), the examiner respectfully disagrees with the applicant. As set forth in the above rejections, Gerszberg '621 is not relied upon for teaching the determination of whether the videophone is in an on-hook condition. Gerszberg '881 is relied upon for this step of the claims and is taught in column 11, lines 65-66 wherein

Gerszberg '881 teaches the utilization of passive services which do not require active customer responses. These types of services include but are not limited to advertising, providing electronic coupons, personalized news delivery services, and access to community news such as school closings. When the videophone is not being used (i.e. in an on-hook condition) these services, including advertising, can be displayed on the videophone's display. Therefore what is taught by Gerszberg '881 is within the scope of the claim limitation.

30. In response to (B), the examiner respectfully disagrees with the applicant. The examiner maintains, as set forth in the rejection that Gerszberg '881 and Gerszberg '621 teach the determination of a call status wherein Gerszberg '881 teaches the transmission of information to the terminal at any point in time, therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention that this would include while the videophone is not being used (i.e. an on-hook condition) to enable information to be transmitted to the videophone while the videophone is in an on-hook condition. This is taught for example in the art by Gerszberg '621, wherein Gerszberg teaches a very similar videophone wherein information, advertisements, is transmitted to a videophone when it is determined that the videophone is not in use (p. 5, para. 0042) and therefore the videophone is in an on-hook condition. Gerszberg '621 teaches on page 5 in paragraph 0042 that a service provider may provide advertisements when it is deemed appropriate and includes either on a periodic basis, low-use times or when it is determined that the videophone is not

being used. Therefore what is taught by Gerszberg '881 and supplemented by Gerszberg '621 is within the scope of the claim limitation.

31. In response to (C) that is unclear as to whether advertisements are downloaded during an on-hook status in Gerszberg '621 it is clearly recited by Gerszberg '621 on page 5 paragraph 0042 that advertisements may be downloaded from a service provider when the videophone is not being used. Therefore what is taught by Gerszberg '621 satisfies the claim element.

32. For at least these reasons the claims as written are not found to be patentable over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa



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